



# LABOR NEWS

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*Mike Beebe, Governor*

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## **FAMILY MEDICAL LEAVE ACT UPDATES EFFECTIVE JANUARY 16, 2009**

**T**he U.S. Department of Labor (DOL) published its final rule to implement the first-ever amendments to the Family and Medical Leave Act (FMLA) which provide new military family leave entitlements and update the regulations under the 15-year-old FMLA.

Previously under the FMLA, covered employers were required to grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- For the birth and care of the newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

### ***Highlights of the new regulatory changes include:***

**Military Caregiver Leave (also known as Covered Servicemember Leave):** Under the first of these new military family leave entitlements, eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. Based on a recommendation of the President's Commission on Care for America's Returning Wounded Warriors (the Dole-Shalala Commission), this 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.

**Qualifying Exigency Leave:** The second new military entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. This

provision makes the normal 12 workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The Department's final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

The final rule also includes two new DOL certification forms that may be used by employees and employers to facilitate the certification requirements for the use of military family leave.



### **QUESTIONS?**

For more information on the Family Medical Leave Act and its new provisions, visit the U.S. Department of Labor's website at [www.dol.gov](http://www.dol.gov) or call the Arkansas Department of Labor at 501-682-4500.



## U.S. MEN AND WOMEN MEASURE UP IN THE WORKING WORLD

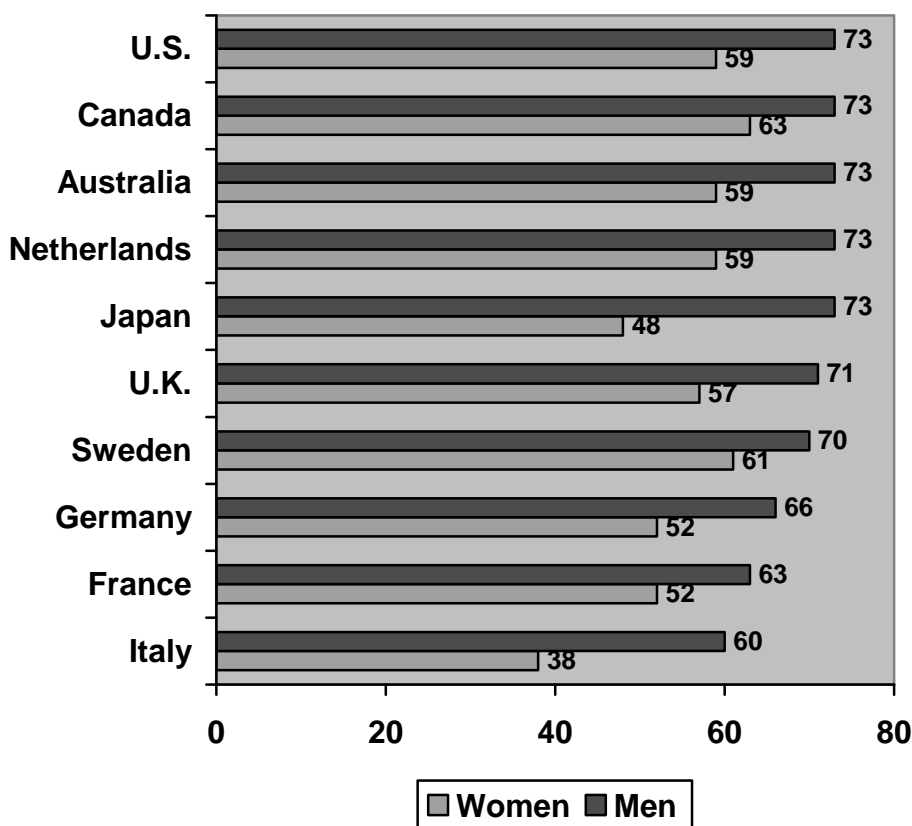
**W**hen it comes to labor force participation, U.S. workers hold their own in the world. About 73 percent of men and 59 percent of women in the United States were in the labor force in 2007, according to data from the U.S. Bureau of Labor Statistics (BLS).

The labor force participation rate is the share of a country's working-age civilian population that is employed or seeking work. This rate measures how involved men and women are in their labor market. The higher the rate, the more actively involved people are in their country's labor force.

Across most countries, men's labor force participation rates varied little – most countries had rates between 70 and 73 percent. But women's labor force participation rates varied more than men's.

Women in several countries participated in the labor force at about the same high rate as U.S. women. The highest participation rates for women were in Canada and Sweden. The lowest rates for women were in Japan and Italy, which also had the largest gaps between male and female participation rates. See the chart below for more details.

**Labor force participation rates, by sex, selected countries, 2007**



## READY TO BE YOUR OWN BOSS?

**W**e've all heard of someone we know who has been laid off recently. And some of you may be considering the prudence of coming up with a contingency plan for yourself. And maybe you've thought this might be the time to look into that start-up company you've always wanted to get off the ground.

The Federal Government has a website that will help make pursuing your dream a little easier.

**It's [www.business.gov](http://www.business.gov).**

Business.gov is the U.S. Government's official website for small businesses and provides access to Federal, state and local information that helps business owners successfully start and operate while staying compliant with laws and regulations.

Business.gov saves small businesses time and money by providing access to Federal, state and local resources from a single website, making government more transparent and accessible. Small business owners no longer need to visit multiple websites to find government programs, forms, contacts, and guidance with laws and regulations.

In addition to being able to search for information from various government websites, business owners can find grant, loan and financial assistance programs; find required business licenses, permits and registrations; learn the legal steps to starting and operating a business; and discover government programs that help small businesses expand their operations. So whether it's researching a new one, or operating or expanding an existing one, they're there for you!



## IN THE WORKS

✎ According to the Bureau of Labor Statistics, 18 percent of working wives whose husbands also worked earned more than their spouses in 1987. In 2006, the proportion was 26 percent.

✎ Forty-one percent of young adults were enrolled in college during the October when they were 21, according to the Bureau of Labor Statistics. Forty-three percent of 21-year-Olds had graduated from high school and were not enrolled in college and two percent had earned a GED and were not enrolled in college. Thirteen percent were high school dropouts during the October when they were age 21.

Women were more likely than men to be enrolled in college. During the October when they were age 21, nearly half (46 percent) of women were attending college compared with 36 percent of men. This difference in college-enrollment rates stems from three factors: (1) Women were more likely to have graduated from high school; (2) among high school graduates, women were more likely to attend college; and (3) once enrolled in college, women were less likely than men to leave college between school years.

✎ About 61.8 million people engaged in some type of volunteer activity at least once between September 2007 and September 2008. Fundraising (11.4 percent) and tutoring or teaching (10.1 percent) were the activities volunteers most frequently performed for their main volunteer organization. Other frequent volunteer activities were collecting, preparing, distributing, or serving food (9.1 percent), and engaging in general labor or supplying transportation (9.0 percent.)



**I**n 2008, union members accounted for 12.4 percent of employed wage and salary workers, up from 12.1 percent a year earlier. The number of workers belonging to a union rose by 428,000 to 16.1 million. In 1983, the first year for which comparable union data are available, the union membership rate was 20.1 percent, and there were 17.7 million workers.

The union membership rate was higher for men (13.4 percent) than for women (11.4 percent) in 2008. The gap between their rates has narrowed considerably since 1983, when the rate for men was about 10 percentage points higher than the rate for women. Between 1983 and 2008, the union membership rate for men declined by 11.3 percentage points, while the rate for women declined by 3.2 percentage points.

In 2008, black workers were more likely to be union members (14.5 percent) than workers who were white (12.2 percent), Asian (10.6 percent), or Hispanic (10.6 percent). Black men had the highest union membership rate (15.9 percent), while Asian men had the lowest rate (9.6 percent).

Twenty-nine states and the District of Columbia had union membership rates below that of the U.S. average, 12.4 percent, while 20 states had higher rates, and one state had the same rate.

Six states had union membership rates below 5.0 percent in 2008, with North Carolina having the lowest rate (3.5 percent). The next lowest rates were recorded in Georgia (3.7 percent), South Carolina (3.9 percent), Virginia (4.1 percent), Texas 4.5 percent), and Louisiana (4.6 percent). Arkansas's union membership rate for 2008 was 5.9 percent with 68,000 members, up from 5.4 percent in 2007 with 62,000.

Three states had union membership rates over 20.0 percent in 2008 – New York (24.9 percent), Hawaii (24.3 percent), and Alaska (23.5 percent).

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Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

E-mail Address \_\_\_\_\_



## **AGE... AND TIME ON THE JOB**



### **How long do people usually stay with one employer?**

**A**ccording to the U.S. Bureau of Labor Statistics (BLS), the median tenure of wage and salary workers was just over four years in January 2008. The most significant determinant of median tenure was age: Older workers were usually with their employer longer than their younger counterparts. Employees aged 55 and older had a median tenure of about ten years, several times that of workers aged 25 to 34, whose median tenure with an employer was slightly less than three years.

Public-sector employees had almost twice the tenure of those in the private sector. Public-sector workers spent a median of about seven years with their current employers, compared with about four years for private-sector workers. One reason for this difference was the higher median age of public-sector employees: About 75 percent of government employees were aged 35 or older, but 60 percent of private-sector employees were in this group.

For more information on this survey, visit [www.bls.gov/cps](http://www.bls.gov/cps).

## **LOOKING FOR A NEW JOB?**

*Here are a few resources.*

### **[www.arkansasjobs.net](http://www.arkansasjobs.net)**

ArkansasJobs.net, now part of ArkansasBusiness.com, is a free jobs board that links employers in Arkansas to job candidates who want to work here.

### **[www.jobsarkansas.com](http://www.jobsarkansas.com)**

Arkansas Online Jobs is hosted by the Arkansas Democrat Gazette and lists Arkansas employment opportunities available throughout the state of Arkansas.

### **[www.arjoblink.arkansas.gov](http://www.arjoblink.arkansas.gov)**

A job information source for job seekers and employers provided by the Arkansas Department of Workforce Services.

### **[www.arstatejobs.com](http://www.arstatejobs.com)**

A job bank for job listings in Arkansas State Government.